

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

IN RE: CHRYSLER PACIFICA FIRE
RECALL PRODUCTS LIABILITY
LITIGATION

MDL No. 3040

This Document Relates to: ALL CASES

Case No. 2:22-MD-03040-DML-EAS

Honorable David M. Lawson
Magistrate Judge Elizabeth A. Stafford

**DEFENDANT FCA US LLC'S MOTION FOR EXPEDITED BRIEFING
AND CONSIDERATION OF MOTION TO STAY**

Pursuant to Federal Rule of Civil Procedure 6(c)(1)(C), Defendant FCA US LLC moves the Court to enter an order expediting the briefing and consideration of its Motion to Stay Proceedings Pending Appeal of Opinion and Order Denying Motion to Compel Arbitration and Mediation. In support of this motion, FCA relies on the attached brief.

Pursuant to Local Rule 7.1(a), counsel for FCA US conferred with counsel for Plaintiffs, explained the nature of this motion, and requested—but did not obtain—concurrence in the relief sought.

Respectfully submitted,

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**DEFENDANT FCA US LLC'S BRIEF IN SUPPORT OF MOTION FOR
EXPEDITED BRIEFING AND CONSIDERATION OF MOTION TO STAY**

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ISSUE PRESENTED

With discovery underway and a deadline looming for Plaintiffs to move for class certification, should the Court expedite briefing and consideration of FCA US LLC’s Motion to Stay Proceedings Pending Appeal of Opinion and Order Denying Motion to Compel Arbitration, especially because the stay is automatic and mandated by *Coinbase, Inc. v. Bielski*, 599 U.S. 736 (2023)?

The Court should respond: “Yes.”

CONTROLLING OR MOST APPROPRIATE AUTHORITY

Fed. R. Civ. P. (c)(1)(C)

Coinbase, Inc. v. Bielski, 599 U.S. 736 (2023)

DISCUSSION

Earlier today, Defendant FCA US LLC appealed the order denying its motion to compel arbitration and mediation. *See* Dkt. 87 (PageID.4392) (Notice of Appeal). FCA also moved to stay all proceedings in this Court pending resolution of the interlocutory appeal. *See* Dkt. 89 (PageID.4396) (Motion to Stay).

A stay should not be controversial. The Supreme Court recently held that “a district court *must stay its proceedings* while [an] interlocutory appeal on arbitrability is ongoing.” *Coinbase, Inc. v. Bielski*, 599 U.S. 736, 740 (2023) (emphasis added). Without this “automatic stay,” the statutory right to appeal an order denying a motion to compel arbitration “would be largely nullified.” *Id.* at 743 (citing 9 U.S.C. § 16(a)). “If the district court could move forward with pre-trial and trial proceedings while the appeal on arbitrability was ongoing, then many of the asserted benefits of arbitration (efficiency, less expense, less intrusive discovery, and the like) would be irretrievably lost—even if the court of appeals later concluded that the case actually had belonged in arbitration all along.” *Id.*

Each day that passes without an order effectuating the automatic stay is a day that the parties must spend time and resources conducting discovery and other litigation on matters that, ultimately, might be sent to arbitration. Under the typical briefing schedule in Local Rule 7.1(e)(1), FCA’s motion to stay would not be fully briefed for 21 days. The parties will spend much of that time preparing to brief

Plaintiffs’ motion for class certification, which is due in less than two months April 10, 2024, but the outcome of FCA’s appeal will affect how the parties brief that motion. After all, Plaintiffs who must arbitrate or mediate their claims cannot serve as class representatives or continue to represent a putative class in this Court.

Rule 6(c)(1)(C) authorizes the Court to expedite consideration of any motion for “good cause.” Ample good cause exists here: the requested stay is “automatic” and mandated by *Coinbase*, and each day that passes chips away at the efficiency and other benefits FCA would receive if it prevails on appeal.

CONCLUSION

The Court should expedite briefing and consideration of FCA’s motion to stay.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on February 12, 2024, I electronically filed the foregoing document with the Clerk of the Court using the ECF system, which will send notification of such filing to the attorneys of record.

/s/ Brandon L. Boxler